

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES

December 15, 2010

The Columbia County Board of Commissioners met in scheduled session with Commissioner Anthony Hyde, Commissioner Earl Fisher and Commissioner Rita Bernhard, together with Robin McIntyre, Assistant County Counsel and Jan Greenhalgh, Board Secretary.

Commissioner Hyde called the meeting to order and led the flag salute.

MINUTES:

Commissioner Bernhard moved and Commissioner Fisher seconded to approve the minutes of the December 8, 2010 Board meeting. The motion carried unanimously.

VISITOR COMMENTS:

Georgia Keiper, Sykes Road, St. Helens: Georgia read the following portion of a letter from Darren Weimick, Department of Justice addressed to Lee Peterson of the Department of Revenue, dated September 30, 2010. *"Other circumstances in which property taxes may be refunded or abated do not apply to the District, at least without legislative amendments. ORS 311.785 prohibits the county governing body from compromising a tax or abating interest or other charges, "except where litigation involving the validity of such tax or taxes is pending or seriously threatened and there is a grave legal question as to such validity" or when "specifically provided by law". ORS 311.815 permits county to issue a refund when a school district, road district, irrigation district or drainage district "has definitely abandoned" a project or specific purpose for which the district levied a tax or the fund remains unexpended for two years. ORS 311.815 applied, refunds would be permissible only as to "the tax or portion of tax so remaining unexpended to the taxpayers who theretofore paid the tax ***".* This letter was received by the County in October when it was reasonable to consider that Ballot Measure 5-209 would pass.

In response, Commissioner Hyde read the following memo from the County Treasurer, regarding tax collection and refunding authority, dated 12/14/10:

Distribution of property taxes collected to taxing districts:

The tax collector is directed by statute to distribute property tax collected according to the tax distribution schedule for the year, described in ORS 311.390.

Because the current fiscal year already has its tax rate schedule, the

remittance of property tax to those districts according to that formula must be adhered to. Each year, based on local budget process and tax value assessment process, a new tax rate schedule is developed and utilized.

Property Tax Refunds:

Authority to refund property tax is described in ORS 311.806. Tax Collector has the authority to refund tax payers if

- Property tax value is changed - this process can happen in a variety of ways including by order of Board of Property Tax Appeals, the Oregon Tax Court, Oregon Supreme Court or the Department of Revenue.*
- An error is made and a property tax payer paid more than the amount due.*

Commissioner Hyde stated that the district first needs to determine what it's debt is before they can do anything regarding tax refund.

Nancy Whitney, St. Helens: She is totally appalled that over a month ago, 10,000 people voted to stop the hospital project and refund their taxes and yet nothing is being done. The Commissioners are supposed to be running this county. This is totally unacceptable behavior. Commissioner Fisher stated that there is a great deal of misunderstanding about how the system works. The Board has to follow the law or suffer the consequences.

Tammy Maygra, 34319 Cannan Road, Deer Island: Tammy stated that the only reason the Hospital Board could collect those taxes was because they stalled the process of getting this on the ballot. She further stated that, according to state law, the taxes can be refunded. Something needs to be done because the people have spoken and they are not going to give up on this.

CONSENT AGENDA:

Commissioner Hyde read the consent agenda in full. Commissioner Fisher pulled Item © be pulled and held over. With no other changes/additions, Commissioner Fisher moved and Commissioner Bernhard seconded to approve the consent agenda as follows:

- (C) Ratify the Select to Pay for 12/14/10.
- (D) Ratify letter to Jim Zelenka regarding Columbia County's Corrective Action Plan related to finding on CDBG, Project D08016.
- (E) Ratify letter to Pauly, Rogers and Co. regarding the June 30, 2010 Columbia County audit with Chair signature. **(PULLED AND HELD OVER).**
- (F) Order No. 78-2010, "In the Matter of Correcting Scrivener's Errors in Ordinance No. 2010-11, Amending the Columbia County Zoning Ordinance.

- (G) Approve Personnel Action for Jerry Keenon.

AGREEMENTS/CONTRACTS/AMENDMENTS:

- (H) Personal Services Contract with Anderson Geological for Phase One and/or Phase Two Environmental Site Assessments, Woodson Projects.
- (I) Transit Agreement and License with ODOT to provide transit information on Google and other applications.
- (J) Amendment #2 to the Personal Services Contract with the Vernonia School District for extended school day services.
- (K) Intergovernmental Agreement #27,140 with ODOT for Right-of-Way Services, Scappoose-Vernonia Road MP 8.0.

The motion carried unanimously.

PUBLIC ROAD EVENT PERMIT - BANDERSNITCH FILM COMPANY:

Cynthia Zemaitis addressed a Public Road Event Permit application she received from Bandersnitch Film Co. to use a portion of Reeder Road this coming weekend for a film shoot, which will require a road closure. The producers have been working directly with the Road Department to make sure the appropriate traffic control will be in place. Most all paperwork is complete but because this is for the upcoming weekend, Cynthia is seeking the Board's approval and signature on the permit. With that, Commissioner Bernhard moved and Commissioner Fisher seconded to approve the Public Road Event Permit for Bandersnitch Film Co. The motion carried unanimously.

COMMISSIONER HYDE COMMENTS:

Commissioner Hyde attended the O&C meeting and he was again elected to the O&C Board. They continue to work on the re-authorization of the Secure Rural Schools funding. He also met with the Secretary of Interior, who got the message that this is very important to the State of Oregon.

On Monday, he attended the Oregon Business Development Board meeting where the OBDD Plan was unveiled for next year.

COMMISSIONER FISHER COMMENTS:

Commissioner Fisher was also in Portland on Monday for the O&C meeting. There will be a lot of things happening in Salem upcoming year, specifically a bill dealing

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with Corrections. The intent of the bill is to move 12 month sentences to 24 months - which means inmates would be held at the county for an additional year and a huge cost to our county.

Yesterday, he hosted a meeting with 25-30 decision makers throughout the county to talk about services throughout the county and share ideas on those services, considering impending budget cuts.

He attended a transit meeting in Salem last week.

Yesterday, there was a luncheon for Commissioner Bernhard and department heads to say goodbye.

COMMISSIONER BERNHARD COMMENTS:

Commissioner Bernhard is wrapping things up and working with incoming Commissioner Heimuller on the transition into her office.

She may not have another opportunity to do this so she wanted to thank everyone for allowing her to serve. It's been a great ride for her and wanted to thank everyone for making it a wonderful experience.

EMPLOYEE SERVICE AWARDS:

The Board presented service awards to the following employees for the years of service to Columbia County: Linda Hald (25); Debra Miller (20); Pamela Benham (20); Donnie Titus (20); Kelly Luneburg (20); Ray McCann (20); Linda Wheeler (20); Jean Ripa (15); David Hill (15); Sandra Mason (15); Kathy McNeill (15); Mitch Watkins (10); Sarah Hanson (10); Nancy Sullivan (10); David Peabody (10); Karin Davis (10); and Raquel Miller (10). The Board wanted to publicly thank all of these employees for all of their hard work over the years.

There was no Executive Session held.

With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon, this 15th day of December 2010.

NOTE: A tape of this meeting is available for purchase by the public or interested parties

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BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: _____

Anthony Hyde, Chair

By: _____

Earl Fisher, Commissioner

Recording Secretary

By: _____

Rita Bernhard, Commissioner

By: _____

Jan Greenhalgh, Recording Secretary